

United States District Court

for the

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Eastern District of Washington**

JUN 09 2008

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Allen Roy Palin

Case Number: 2:98CR00100-001

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: 2/3/1999

Type of Supervision: Supervised Release

Original Offense: Possession of a Controlled
Substance with Intent to Distribute, 21 U.S.C. §
841(a)(1)

Date Supervision Commenced: June 3, 2008

Original Sentence: Prison - 136 Months; TSR - 36
Months

Date Supervision Expires: June 2, 2011

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 14 You shall undergo a substance abuse evaluation and, if indicated, enter into and successfully complete an approved substance abuse treatment program, including aftercare. You shall contribute to the cost of treatment according to your ability. You shall allow full reciprocal disclosure between the supervising probation officer and treatment provider. You shall abstain from the use of illegal controlled substances and alcohol, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.
- 15 You shall submit your person, residence, office, or vehicle to a search, conducted by a U.S. probation officer, at a sensible time and manner, based upon reasonable suspicion of contraband or evidence of violation of a condition of supervision. Failure to submit to search may be grounds for revocation. You shall warn persons with whom you share a residence that the premises may be subject to search.

CAUSE

The purpose of this petition is to apprise the Court of the status of the aforementioned case, in light of the Ninth Circuit Court of Appeals' finding in United States v. Stevens (9th Cir. 2005), and to request that the conditions of supervision be modified to authorize a maximum of six random drug tests per month. In addition, Mr. Palin agreed to the proposed modification relative to the existing search condition.

Allen Palin was asked whether he would waive his right to a hearing and agree to the modifications as previously described. As indicated by the enclosed Waiver of Hearing to Modify Conditions of Supervised Release form, Mr. Palin has agreed to the proposed modifications.

Prob 12B

Re: Palin, Allen Roy

May 27, 2008

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 6-4-08



U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other



Signature of Judicial Officer

6/9/08

Date

United States District Court

Eastern District of Washington

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows:

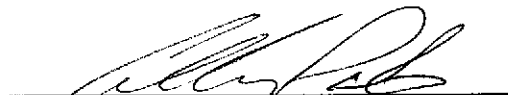
- 14 You shall undergo a substance abuse evaluation and, if indicated, enter into and successfully complete an approved substance abuse treatment program, including aftercare. You shall contribute to the cost of treatment according to your ability. You shall allow full reciprocal disclosure between the supervising probation officer and treatment provider. You shall abstain from the use of illegal controlled substances and alcohol, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.
- 15 You shall submit your person, residence, office, or vehicle to a search, conducted by a U.S. probation officer, at a sensible time and manner, based upon reasonable suspicion of contraband or evidence of violation of a condition of supervision. Failure to submit to search may be grounds for revocation. You shall warn persons with whom you share a residence that the premises may be subject to search.

Witness:



U.S. Probation Officer

Signed:



Allen Roy Palin
Probationer or Supervised Releasee

6-4-08

Date